



GOVERNMENT OF INDIA
MINISTRY OF CIVIL AVIATION AND TOURISM
(COMMISSION OF RAILWAY SAFETY)

RAILWAY ACCIDENT INVESTIGATION

REPORT
ON
COLLISION
OF

**M. 205 Up Howrah-Burdwan E M U Local with Loaded Truck No. WGA 4362
at Manned Level Crossing No. 17/C at Km. 64/3-5 between Pundooah and
Simlagarh Stations on Bandel-Burdwan Electrified Double Line B.G. Section of
Howrah Division of Eastern Railway at 7.54 hours.**

ON

25th February, 1981

SUMMARY

Date	25-2-1981.
Time	7.54 hours.
Railway	Eastern.
Gauge	B.G. (1676 mm).
Location	Manned level crossing No. 17/C at Km. 64/3-5 between Pundooah and Simla, garh Stations on Howrah Division.
Nature of Accident	Collision with truck.
Train involved	M. 205 Up Howrah-Burdwan EMU Local.
Truck involved	WGA 4362 loaded with bricks.
Speed of train	75 Km/h.
Speed of truck	5 Km/h.
System of operation	Absolute Block System.
Number of track	Two electrified.
Gradient	Level.
Alignment	Straight.
Weather	Foggy.
Visibility	Poor.
Cost of damage	Rs. 91,000/-

	Train	Truck	Total
Casualty Killed	4	3	7
Grievous injury	3	4	7
Simple injury	6	1	7

Relief arrangements and Medical attention Satisfactory.

Cause Level crossing gate having been opened by the Gateman in the face of approaching train under conditions of poor visibility due to intense fog.

Person held responsible Gateman of the level crossing.

NOTE : Important and crucial paras have been underlined.

- Important recommendations :
- (1) GR 83 should be clarified to ensure the safety of travelling public (para 9.1 a).
 - (2) Fog signalling should be done conforming to GR 71 (para 9.1 b).
 - (3) When fog signalling is not done, suitable safeguard should be prescribed in the rules by a SR (para 9.1 c).
 - (4) GR 229 should be clarified regarding action to be taken under fog conditions (para 9.1 d).
 - (5) Railway Administration to comply with the Board's orders and provide telephones at all manned level crossings in Suburban area on a time bound programme (para 9.2 a).
 - (6) Railway Board should more effectively monitor the compliance of their own orders on safety matters by individual Railways (para 9.2 b).

Abbreviations used in this Report

DRM	Divisional Railway Manager.
ACE (G)	Additional Chief Engineer (General).
ACSE	Additional Chief Signal Engineer.
ACEE (EMU)	Additional Chief Electrical Engineer (Electric Multiple Unit).
Dy. COPS(S)	Deputy Chief Operating Superintendent (Safety).
ADRM (T)	Additional Divisional Railway Manager (Technical).
IRP	Inspector Railway Police.
OC/GRP	Officer in charge/Government Railway Police.
SM	Station Master.
ASM	Assistant Station Master.
ART	Accident Relief Train.

(1)

(ii)

MFD	.	.	.	.	Maschinen Fabrik Deutschland.
CTE	.	.	.	.	Chief Track Engineer.
CMPE	.	.	.	.	Chief Motive Power Engineer.
CEE	.	.	.	.	Chief Electrical Engineer.
CMO	.	.	.	.	Chief Medical Officer.
CRS	.	.	.	.	Commissioner of Railway Safety.
Sr. DEN	.	.	.	.	Senior Divisional Engineer.
Sr. DME (C & W)	.	.	.	.	Senior Divisional Mechanical Engineer (Carriage & Wagon).
Sr. DEE (TRS)	.	.	.	.	Senior Divisional Electrical Engineer (Traction Rolling Stock).
DEN	.	.	.	.	Divisional Engineer.
DOS(T)	.	.	.	.	Divisional Operating Superintendent (Traffic).
DSO	.	.	.	.	Divisional Safety Officer.
DME (P)	.	.	.	.	Divisional Mechanical Engineer (Power).
DMO (P)	.	.	.	.	Divisional Medical Officer (Physician).
AEE (TRD)	.	.	.	.	Assistant Electrical Engineer (Traction Distribution).
AME (P)	.	.	.	.	Assistant Mechanical Engineer (Power).
AEN	.	.	.	.	Assistant Engineer.
SDO	.	.	.	.	Sub Divisional Officer.
DSP	.	.	.	.	Deputy Superintendent of Police.
BG	.	.	.	.	Broad Gauge.
GR	.	.	.	.	General Rule.
SR	.	.	.	.	Subsidiary Rule.



GOVERNMENT OF INDIA
MINISTRY OF TOURISM & CIVIL AVIATION
(COMMISSION OF RAILWAY SAFETY)

FROM : R. Ganapati, Commissioner of Railway Safety, Eastern Circle, 14, Strand Road (12th floor), Calcutta-700 001.

TO : The Secretary to the Government of India, Ministry of Tourism & Civil Aviation, Sardar Patel Bhavan, Parliament Street, New Delhi.

THROUGH : The Chief Commissioner of Railway Safety, Ashok Marg, Lucknow-226 001.

SIR,

In accordance with Rule 4 of the Statutory Investigation into the Railway Accidents Rules, 1973, I forward herewith the Report of my enquiry into the Collision of M. 205 Up Howrah-Burdwan EMU Local with loaded Truck No. WGA 4362 at manned level crossing No. 17/C at Km. 64/3-5 between Pundooah and Simlagarh Station on Howrah-Burdwan Electrified Double Line B.G. Section of Howrah Division of Eastern Railway at about 7.54 hours on 25-2-1981.

1.2 Inspection and Inquiry

(a) I inspected the site of the accident on the same date. I also visited the Imambara Sadar Hospital, Chinsurah and met the injured persons admitted therein including the Driver of the truck. I again visited the site of the accident on 4-3-1981 during the course of the enquiry. I also visited the Bainchigram Health Unit and Imambara Sadar Hospital and recorded the statements of the injured persons having a bearing on the cause of the accident.

(b) A Press Notification was issued inviting members of the public having knowledge relating to the accident to tender evidence at the enquiry which I commenced at Simlagarh Station on 2-3-1981 or communicate to me by post at the Calcutta address. Civil and Police authorities were duly notified. The enquiry was continued at the same place on 3rd & 4th March, 1981 and concluded on the latter date.

(c) The following officials were present at the enquiry :

Railway officials

1. Shri S.L. Agarwal, DRM, Howrah (on 2nd only).
2. „ N. Basak, ACE(G), Calcutta (on 2nd & 3rd only).
3. „ G. N. Khanna, ACSE, Calcutta.
4. „ P. Sahoo, ACEE (EMU), Calcutta.
5. „ P. K. Bandopadhyay, Dy. COPS (S), Calcutta.
6. „ M. Narayanaswamy, ADRM(T), Howrah.

Non-Railway officials

1. Shri U. Chanda, Executive Magistrate, Chinsurah, Hooghly (on 2nd only).
2. „ A. K. Chakraborty, IRP, Bandel (on 2nd & 4th only).
3. „ Parimal Dey, OC, GRP, Bandel (on 3rd only).

(d) The evidence of 40 witnesses (28 of them non-railway) was recorded in the enquiry. In addition proforma and oral evidence were recorded as necessary. Relevant Railway documents were perused. A few letters were received by post in response to the notification. For reasons best known to him, the Gateman Shri Ram Lall fled away from the gate after the accident without making his whereabouts known to anyone to avoid police arrest. However, he attended the enquiry at Simlagarh on 2-3-1981. He gave his statement and also answered all the questions put to him.

(e) In this report, the terms 'right', 'left', 'leading', 'trailing', 'front' and 'rear' where used, are in reference to the direction of movement of M. 205 Up Howrah-Burdwan EMU Local.

1.3 The Accident.

(a) On 25-2-1981 at about 7.54 hours, EMU M.205 Up (8 coach train), while on the run between Pundooah and Simlagarh Stations on the Up Main line collided with the rear portion of the loaded truck No. WGA 4362, which was crossing the track from north to south on the level crossing No. 17/C at Km. 64/3-5. As a result of the collision the front portion of the cab of the EMU suffered considerable damage while the truck was thrown out and broken to pieces and came to rest facing the opposite direction. The EMU came to rest after travelling a distance of 312 m. The front bogie of the EMU derailed and dragged on for a distance of 282 m.

(b) The weather was foggy and the visibility was poor. The visibility has been estimated as between 25 ft. and 30 m. by various witnesses. The speed of the train at the time of the collision has been estimated at 75 km/h while the speed of the truck which was proceeding in first gear has been estimated at 5 Km/h.

(c) After the accident, the gate leaves of the level crossing were found open to road traffic. The gateman was seen to run away from the site of accident soon after the collision.

1.4 Casualties

As a result of the accident, seven people were killed, 4 of whom were occupants of the train and the remaining 3 were occupants of the truck. Out of the 4 people killed in the train, 3 were in the driving cab, being the Motorman, Trainee Motorman and Railway Fitter, while the 4th person killed was a passenger in the train with a valid ticket issued on the date of accident. All the 3 persons killed from the truck were coolies of the truck, one being male and the remaining 2 females. In all 7 persons sustained grievous injury, 4 of whom were from the truck and remaining 3 from the train. Seven persons sustained simple injury, one of whom was from the truck and the remaining 6 from the train.

II. RELIEF MEASURES

2.1 (a) The first information report about the accident was given by Shri N. C. Chakraborty, ASM, Simlagarh at 8.01 hours to Control based on the report given to him by Shri P. K. Dasgupta, Off duty Booking Clerk, who was a passenger of the ill-fated train. No first aid was given by the Guard of the train at the site of the accident. Thirteen injured persons were shifted from the site to Pundooah Primary Health Center, 1½ Km. away before 8.30 hours by Mini Bus, Private Truck and Cycle Rickshaw by the public. After rendering first aid there, 12 injured persons were shifted to Chinsurah Imambara Sadar Hospital, 30 Kms. away by Mini Bus and Jeep of the Health Centre at about 10.30 hours and admitted in the Hospital by 11.00 hours. The remaining trivial injury case was discharged after first aid. Two other injured persons went on their own and got themselves admitted in Bainchigram Health Centre, 1½ Km. away. No surgical treatment was done at Pundooah Health Centre. Two injured persons admitted in Bainchigram Health Unit received Pethidine injection. The Medical Van from Howrah reached the site at 10.40 hours by which time all the injured passengers were shifted to the Health Centre and were on way to Imambara Sadar Hospital, Chinsurah.

(b) The Railway Administration made ex-gratia payment of Rs. 1,000 each to the next of kin of the persons killed, Rs. 750 each to the persons who sustained grievous injury and Rs. 250 each to the persons who sustained simple injury.

(c) The dead bodies were removed from the site at 14.30 hours and taken to Imambara Sadar Hospital, Chinsurah for post-mortem examination in trucks arranged by the Railway. After post-mortem examination on 26-2-81, the Rail-

way arranged transport of the dead bodies of the Railway staff to their native places. The dead bodies of non-railway persons were disposed of by the police.

(d) The uninjured passengers of the ill-fated train were cleared by M. 210 Down which was brought opposite the derailed train for transshipment and worked back as an Up train leaving Simlagarh at 10.13 hours.

2.2 Restoration

(a) The ART, Bandel which was ordered at 8.20 hours, left the station at 9.26 hours and reached the site at 13.27 hours. The MFD from Howrah which was ordered at 8.20 hours, left the station at 8.50 hours and reached the site at 13.27 hours. The GM visited the site at 12.30 hours. The DRM reached the site at 11.50 hours. The CTE, CMPE, CEE and CMO reached the site at 12.30 hours. The ACE(G) and Dy. COPS(S) reached the site at 13.50 hours along with the CRS. The ACEE reached the site at 14.00 hours. The Sr. DEN, Sr. DME (C&W), Sr. DEE (TRS), DEN (IV), DOS(T), DSO, DME(P), DMO(P), AEE(TRD), AEE(TR), AME(P), AEN reached the site between 10.20 hours and 11.50 hours. The Security Officer of Howrah, reached the site at 12.20 hours. The SDO, Chinsurah and DSP, Chinsurah reached the site at 11.45 hours.

(b) Police clearance was given at 13.05 hours.

(c) The portion of the truck which was infringing the line was shifted at 13.40 hours. The derailed EMU was re-railed with the help of MFD at 13.55 hours. Through running was resumed at 15.30 hours.

2.3 Interruption to traffic

As a result of the accident, 5 trains were cancelled and 11 other trains were terminated short of destination and re-started.

III. THE TRAINS

3.1 M. 205 Up consisted of 8 coaches (2 motor coaches and 6 trailer coaches). The total length of the train was 173m. and its weight 305 tonnes. The train was provided with compressed air brake at the rate of 8 cylinders per motor coach and 4 cylinders per trailer coach. Out of a total 40 cylinders no cylinder was in isolated condition. The EMU was provided with a headlight and speedometer both in working condition. The rake underwent last monthly inspection on 15-2-1981, fortnightly inspection on 27-1-1981 and pneumatic inspection on 22-1-1981. The last trip inspection was done at Howrah Car Shed on 24/25-2-1981. After the accident Railway officials found the Master Controller in the off position, the Reverser in the forward position and the EP brake in the applied position. The marshalling order of the train is given in Annexure I.

3.2 Damages

A Note on damages is given in Annexure II.

3.3 Cost of damage

EMU	—	Rs. 90,000
Permanent Way	—	Rs. 1,000
Total		<u>Rs. 91,000</u>

IV. LOCAL CONDITIONS

4.1 The Section and the Site

(a) The collision occurred at level crossing No. 17/C at Km. 64/3-5 on the Up Main line between Pundooah and Simlagarh Stations on Bandel-Burdwan Double Line Electrified B.G. Section of Howrah Division of Eastern Railway in the Civil District of Hooghly in West Bengal State. The railway alignment at the site of accident is straight and runs from east to west. The gradient is level. The height of bank varies from 4 to 5 ft. and the country is plain. The ruling gradient of the section is 1 in 241 and the maximum permissible axle load 22.9 tonnes.

(b) Level crossing 17/C is an un-interlocked gate manned by a gateman in 12 hours shifts. Level crossing is provided with two-leaf gate of swing type. The width of gate is 18 ft. and the width between guard rail is 17 ft. The road width is only 13 ft. and the check rail is 24 ft. long. The crossing is on the square. Lifting barriers have been erected at site since last 3 years but not yet commissioned. The level crossing is located between Up distant and Home signals of Simlagarh Station.

(c) For the Gatemen, on the Pundooah side the approach is on the straight and visible upto 1.5 Km. On Simlagarh side the approach is also on the straight and visibility is upto 1.93 Km. For the road approach from north to south (as was the case for the truck driver) the visibility at a distance of 10 m. from the gate on Simlagarh side (right) is 160 m. while the visibility on the Pundooah side (left) was obstructed due to trees. At a distance of 21 m. from the level crossing on the north approach the visibility on Simlagarh side (right) was 800 m while the visibility on Pundooah side was nil due to trees. At a distance of 44 m. from the level crossing on the north approach the visibility on the Simlagarh side (right) was 1.2 Km. while the visibility on the Pundooah side (left) was 600 m. For a vehicle crossing from south approach the visibility at a distance of 10 m. from the gate was nil on Pundooah side (right), while on Simlagarh side (left) visibility was unrestricted. At a distance of 15 m from the gate on the south approach the visibility on Pundooah side (right) was 400 m. while the visibility on Simlagarh side (left) was unrestricted. At a distance of 50 m. from the level crossing on the south approach the visibility on Pundooah side (right) was 100 m. and the visibility on Simlagarh side (left) was unrestricted.

(d) No road signs have been erected on the road approaches to the level crossing. There are no whistle boards on the rail approaches to the level crossing. The road surface is kutcha without asphaltting. The road is a village road connecting G.T. Road and Atrugram village. Height gauge for OHE traction has been provided on both approaches to the level crossing.

(e) The traffic on the level crossing is not very much. In June 1978 approximately 52 rickshaws, 4 motor cars, 5 motor trucks, 54 bullock carts, 9 tractors and 15 motor bikes used this level crossing in a day. Subsequent to the accident sample census survey done on 3-3-81 showed that 55 rickshaws, 624 cycles, 21 motor cycles, 70 motor vehicles, 186 bullock carts, 471 pedestrians and 24 cattles are using the level crossing per day. There are approximately 43 Up trains and 42 down trains per day.

(f) Even though the level crossing is situated within the Distant signal of Simlagarh Station on a suburban section, no telephone has been provided at the gate. Working Rules are exhibited at the gate in English according to which the normal position of gate is closed to road traffics. The gateman after seeing the line on both side, that no train is approaching shall open the gate for the passage of the road traffic. After passing the road traffic the gateman is required to close the gate by means of padlock on both sides. Working Rules in vernacular is not exhibited at the level crossing. The gateman has passed the vision test in A3 category on 26-6-1980 and the next vision test is due on 26-6-1983. There were no previous accidents at the level crossing but a case of pedestrian being run over about two years back had been reported when the gates were in closed position.

(g) The permanent way consists of 52 Kg. rails welded in panels of 39 m on CST-9 sleepers to M+7 density. Adequate stone ballast has been provided.

(h) There was no monsoon patrolling/security patrolling in force on the date of accident. There was no rainfall in a period of 7 days prior to the date of accident.

(j) The DEN of the section is headquartered at Howrah, the AEN at Bandel, the PWI Grade (II) and PWI Grade (III) at Pundooah. Gang Unit No. 2 headquartered at Pundooah has a strength of 1+2+38+2 and is in-charge of the section from Km. 60/9 to 66/29 with tool boxes at Km. 60/19, 64/3 and 65/19. One permanent way Mistry is in-charge of the gang. The gang hut is provided at Pundooah and Simlagarh.

4.2 Signalling

(a) Simlagarh

Simlagarh is a two line 'B' Class Standard III interlocked station without any loop, provided with an emergency cross over and a goods

siding. There are two 'C' Class Manned non-interlocked Level Crossings and one 'A' Class Manned interlocked level crossing situated within the station limit of Simlagarh. The interlocked Level Crossing, Points and Signals are relay interlocked and are worked from a panel by the A.S.M. from the Station building. The Block Section Simlagarh-Bainchi in Up direction and Simlagarh-Pundooah in down direction is worked on Absolute Block System by double line lock and block instruments. Station is provided with 3 Aspect Colour Light Signals. Both the lines are track circuited between Block Section Limit Board and Starter Signal.

(b) *Pundooah*

Pundooah is a 'B' Class Standard III interlocked station with two loops. There are one 'C' Class Manned non-interlocked and one 'B' Class Manned interlocked Level Crossing within the station limit. The Points, Signals and the interlocked Level Crossing are worked from end Cabins. SM's negative control is provided on reception signals and the same is not provided for Advanced Starters. "One slot one Starter" system is provided at the station. Automatic replacement of main line Starter Signal is not provided. 3 Aspect Colour Light Signals are provided at the station. The main lines are track circuited between fouling marks. The Up and Down block sections are operated by double line lock and block instruments.

4.3 Kilometerage

The Kilometerage referred to in this report are reckoned from Howrah as under :

Howrah	—	0.00 Km.
Bandel	—	39.29 „
Pundooah	—	60.56 „
Site of Accident	—	64/3.5 „
Simlagarh	—	65.44 „
Saktigarh	—	95.20 „
Burdwan	—	106.73 „

There are 16 electric masts per kilometer. Odd numbers are on the up side and the even numbers are on the down side.

4.4 Headquarters, System of Working and Train Speeds.

(a) The Control office is situated at Howrah which is also the headquarters of the Division and one Controller is in-charge of the section from Naihati to Bandel to Palsit. Trains are worked on the Absolute Block System by double line lock and block instruments.

(b) The maximum permissible speed on the section is 100 Km/h. For EMU the maximum permissible speed is 95 Km/h. There was no permanent speed restriction at the site of accident. There was also no temporary speed restriction at the site of the accident on that day.

V. SUMMARY OF EVIDENCE

5.1 (a) *Shri Abdus Shovan Mollah* (witness No. 9) a cultivator of Pundooah gave some details of the accident and the relief measures.

(b) Answering questions he stated—

(i) He reached the gate at about 8.30 hours. The visibility was poor due to fog and restricted to 15 ft. Both gates were in open condition. He did not meet the Gateman. He did not talk with the truck driver.

(ii) All the people at the site of accident only stated that the Gateman opened the gate; not even a single person stated that the truck Driver had taken the key from the Gateman by force.

5.2 (a) *Shri Sarat Kumar Das* (witness No. 13) Guard of the ill-fated train stated that his train left Howrah at 6.21 hours i.e. 6 minutes late. The train left Pundooah at 7.51½ hours i.e. 12 minutes late. At 7.54 hours he felt a heavy jerk. Apprehending danger he applied the emergency brake. There was heavy fog all round. On reaching the front cab of the train he found that his train had collided with a truck No. WGA 4362 loaded with bricks on the level crossing. The gate was open and no gateman was present.

(b) Answering questions he stated—

(i) The visibility was only about 10 ft. due to fog. Speed of train at the time of accident was 75 to 80 Km/h. Driver did not whistle while approaching the gate.

(ii) No detonators were burst before the accident. The Driver stopped his train at all the stations from Howrah to Pundooah at the proper places. The train was in full control of the Motorman.

(iii) The speed of the train from Howrah to the site of accident was normal as on any other day. Fog was present from Howrah upto the site of accident, but there was no fog signalling from Howrah to the site of accident.

5.3 (a) *Shri Joy Narayan Chowdhury* (witness No. 16) Driver of the ill-fated truck stated that bricks were loaded into the truck which was proceeding to Arti village. His truck stopped at the gate for about 5 minutes. He then blew the horn to attract the attention of the Gateman. The Gateman came out of the gate lodge and opened the gate on both sides and allowed him to cross the track. When his truck was crossing the

Up line, one train suddenly came from Howrah side. He tried to cross the line faster but before he could do so the train collided with his truck. He and the helper were thrown out on the ground from the truck.

(b) Answering questions he stated—

- (i) He was having heavy duty lorry driving licence for the last 7 years. On 24-2-1981 he completed the work at about 16.00 hours and had full rest on the previous night. He started work at 6.00 hours on 25-2-1981. Loading was over by 7.30 hours. His truck reached the level crossing at 7.45 hours.
- (ii) After waiting for 5 minutes when he gave the horn, the Gateman opened the gate and signalled his truck to cross. He was crossing in first gear when the accident happened. After the accident the Gateman fled away. Before crossing he had seen both sides. Visibility was restricted to 20 ft. due to fog and he could not see any train coming on either side. Since the Gateman was asking him to cross, he crossed. When his truck was on the Up line he saw the headlight of the EMU to the left about 25 ft. away. He tried to go faster but in the mean time collision took place.
- (iii) At this stage Shri Ramlall, Gateman was confronted. Shri Ramlall stated that the truck reached the level crossing at 7.30 hours and waited for 15 minutes. Except for this single truck there was no other truck waiting to cross. On the northern side there was none waiting to cross. On the southern side there were 4 to 5 people waiting. The people started abusing him to open the gate and in the meantime one strong person of about 35 years of age came and beat him, injured his foot and took away the keys from his pocket and stated that the gates would be opened. The gate was opened in spite of his protest.
- (iv) When asked to identify the Driver or Shri Kumud Ranjan Das who was travelling with Truck Driver, as the person who snatched the key from the Gateman, Shri Ramlall stated that these two people did not snatch the key from him. When asked specifically if the Driver of the Truck abused him or beat him, Shri Ramlall stated that the Driver of the Truck did not beat him and regarding abuse he could not definitely say who abused him due to the fog.

(v) Gateman Shri Ramlall was told that out of 7 coolies on the truck, 3 died, at the time of collision, and the remaining 4 (2 male and 2 female) were admitted in the hospital being injured, because they were on the truck at the time of the accident and therefore it was reasonable that none of the coolies on the truck could have snatched the keys. To this Shri Ramlall admitted that the man who snatched the keys could not have been out of the coolies from the truck. It could have been one of the outsiders.

(vi) When asked how many times public had snatched the key from him at this level crossing, the Gateman replied 'nil'.

5.4. (a) Shri Kumud Ranjan Das (witness No. 17) Helper to the Truck Driver stated that his truck stopped at the Gate for 4 to 5 minutes. The Gateman opened the gate and while the truck was crossing the Up line he suddenly saw the Up train very near the truck. He asked the Driver to cross quickly but before anything could be done the train collided on the back of his truck and he was thrown out from the seat.

(b) Answering questions he stated—

The south side gate was opened first and the North side gate was opened later by the Gateman. When the truck was on the Up line the train could be seen to the left at a distance of 50 ft. There were 7 coolies on the top of the truck. There was no time to ask the coolies to jump out.

5.5. (a) Shri Ramlall (witness No. 19) stated that he was the rest-giver Gateman under PWI, Pundooah. He used to give relief to the permanent Gateman of Gate No. 17/C on Wednesdays and Thursdays and on level crossing Gate No. 21/C on Fridays and Saturdays and Gate No. 14/C on Mondays and Tuesdays. On 25-2-1981 at 6 hours he took over duty at level crossing Gate No. 17/C. There was dense fog at that time. At about 7.35 hours one truck loaded with bricks came from East and stopped outside the gate. After waiting for some time the Truck Driver and coolies started shouting at him for opening the gate but he told them that the gate could not be opened. Then two coolies from the truck came to him with one iron rod. They tore his shirt. He was hit on his left leg by a brickbat. The two coolies snatched the key from his right hand side pocket of the shirt. They went towards the Down line and opened the gate. Immediately the truck entered inside the gate. Then the Up line gate was opened and the key was thrown towards him. At that time he found that the UP Local dashed against the truck. Being puzzled and afraid he left the gate and came to Simlagarh station and informed the ASM on duty regarding the accident.

(b) Answering questions he stated —

(i) Asked about the rules for opening the gate under foggy weather conditions, the Gate-man replied that he would ascertain if trains were due to come by the noise on the rail. If no train was coming he would open the gates.

(ii) On 25th after the accident he reported to the ASM on duty at Simlagarh about the snatching of keys, himself being beaten etc. At this stage, ASM, Shri N. C. Chakraborty confirmed that the Gate-man told him at 8.20 hours about the snatching of gate keys from him. Nothing further was mentioned regarding injuries or tearing of his shirt. However the Diary entry showed only about the accident and makes no mention about the snatching of keys. The ASM stated that the snatching of keys even though told by the Gate-man was not written in the Station Diary.

(iii) On 26th, the Gate-man met DEN(4) at Howrah who did not specifically direct him to the police. On 27th, 28th & 1st March, he did not remain in his house for fear of police arrest. On 2nd March, he attended the CRS enquiry. He did not report the matter to the police on the date of accident for fear of police and public.

(iv) Recalled on 3-3-1981, the Gate-man stated that the truck waited for 10 to 15 minutes. One man from the truck came and caught hold of his shirt and injured his left foot by a brick, tore his shirt and took away the keys. The man was about 35 years age, medium build and was wearing a lungi, shirt and pagri (Gamchha) on the head. He was not wearing spectacles but had very small moustache. The Gate-man however did not see him come from the truck. The Gate-man assumed that he was a coolie from the truck. When the truck was on the Down line, the man got into the truck while in motion. The Gate-man did not resist nor complain to the people waiting on the South side as his foot was injured. He did not put up any resistance or defence when the key was taken from his pocket. After the accident he did not make any effort to chase and identify the man who snatched the key before the accident. He did not enlist the cooperation of the public to apprehend the man who snatched the keys. He could not say whether the man who snatched the key was killed in the accident or lying in the hospital. He did not go to any doctor for treatment of his injury due to fear.

He did not go to the police to lodge a complaint due to fear. At this stage, the Gate-man identified the photograph of Panchu Gopal Das (Paramanik) as the person who snatched the keys from him. It is relevant to note that Panchu Gopal Das (Paramanik) was one of the persons travelling in the EMU train who was killed as a result of the accident.

5.6 (a) *Shri P. K. Dasgupta* (witness No. 21) Commercial Clerk of Simlagarh stated that he was travelling by the ill-fated train from Pundooah to Simlagarh. When the train was travelling at maximum speed between Pundooah and Simlagarh he got a severe jerk and fell down from the seat. He got off from the train and came to know about the accident.

(b) Answering questions he stated—

The train did not whistle from Pundooah to the site of accident. The running from Pundooah to the site of accident was the same as on any other day. The Driver did not reduce the speed due to fog.

5.7 (a) *Shri N. C. Chakraborty* (witness No. 22) ASM, Simlagarh, stated that at about 8.00 hours *Shri P.K. Dasgupta* came to his office and told him about the accident.

(b) Answering questions he stated—

(i) Gate-man, Ramlall came to the station at 8.20 hours and said "There is an accident at the level crossing with a truck, it is not my fault, they forced me". The Gate-man did not complain about any injury or his being beaten up or his shirt being torn. He found the Gate-man in normal condition. The Gate-man was walking properly and there was no indication that he was in pain due to injury. He did not notice any of the Gate-man's clothes particularly torn.

(ii) Asked why there was no reference to the statement of the Gate-man in the Diary entry that the Gate-man was forced the ASM said that there were many people in the room at that time and he was perplexed because of the accident and therefore forgot to write this aspect in the Station Diary. The Gate-man did not tell him that he was beaten and the keys were taken forcibly from his pocket. At this stage the Gate-man was confronted. While the Gate-man maintained that he told

the ASM that he was beaten and keys were forcibly taken from him, the ASM maintained that the Gateman merely told him "It was not my fault, I was forced". At this stage Shri P. K. Dasgupta who was a witness to the conversation was called. Shri Dasgupta confirmed the statement of the ASM.

- (iii) Asked why fog signalling was not being done, the ASM replied that from 1979 onwards the supply of signalling man from PWI was discontinued. Due to shortage of staff at the station, it was not possible to do fog signalling. This position has been brought to the notice of Controller at 4.35 hours. The Controller merely replied that he was aware of this position. The SM was also aware of this position.
- (iv) The Distant, Home and Starter signals were in green aspect for M.205 Up. There is no provision in the GR for issue of Caution Order when fog signalling is not done. There are no instructions not to lower distant signals in foggy weather even if fog signalling was not done.
- (v) He accepted that the non-provision of telephone at Gate No. 17/C contributed to this accident. If a telephone was provided, the Gateman could have asked the ASM before opening the gate.
- (vi) Fog signalling is not done by all stations from Adisaptagram to Saktigraha since 1979 due to shortage of staff.

5.8 (a) *Shri Amitasree Ghosh* (witness No. 25) Section Controller furnished certain details relevant to the accident.

(b) Answering questions he stated—

- (i) As per control chart, fog appeared at Simlagarh Station at 4.30 hours and disappeared at 8.45 hours. He does not know if fog signalling was being done or not. It is the responsibility of the SM to do fog signalling.
- (ii) The ill-fated train M. 205 Up was running normally as on any other day. There was no reduction in speed due to fog except in the case of 6 Down which was losing some time.

5.9 (a) *Shri Parimal Dey* (witness No. 26) OC, GRP, Bandel stated that he reached the site of accident at about 9.35 hours and made

enquiries from local people regarding the accident. As a result of the enquiries he came to the conclusion that the gate was opened by the Gateman which resulted in the accident.

(b) Answering questions he stated—

- (i) There are no eye-witnesses to the effect that Shri Ramlall opened the gate.
- (ii) There is no possibility of any person snatching the key from the Gateman and opening the gate unauthorisedly. His enquiries with the local people who were eye-witnesses to the accident showed that there was no case of keys being snatched from the Gateman. As soon as the accident happened the Gateman fled away without telling anything to anybody. Local people also stated that the Gate was many times found open without the Gateman at the gate. If the key was snatched from the Gateman he should have reported to the public or police instead of simply running away. The action of the Gateman showed that he was guilty.

5.10 (a) *Shrimati Suvasini* (witness No. 36) stated that she was a loader of the truck. The truck stopped at the level crossing for 2 to 4 minutes. The gate was opened by the Gateman. As the truck was crossing the gate, suddenly a train came from Howrah side and collided with the truck. She was thrown out of the truck. Local men took her to Pundooah Hospital in a rickshaw. She was given first aid at Pundooah Hospital and transferred to Chinsurah Hospital.

(b) Answering questions she stated—

Nilu, Purna, Sanatan, Usha, Amodi, Banalata and she were the coolies on the truck. Nobody from the truck got down and opened the gate. The gate was opened by the Gateman. At the time of collision all the 7 people were on the truck. As the truck entered the railway line the train came from the opposite side. Headlight of the train was burning. There was no time for anyone to jump out. There was no possibility of anyone from the truck getting down and getting back into the truck as the truck crossed the level crossing.

5.11 *Shrimati Banalata Duley* (witness No. 40) statement recorded by CRS in Imambara Sadar Hospital on 3-3-1981 stated that she was working as a loader of the ill-fated truck. There were 6 other people viz. Nilu, Purna, Sanatan, Usha, Amodi and Suvasini, on the truck. Nobody from the truck got down but shouted from the truck to the Gateman to open the gate. Due to the fog she did not see who opened the gate. At the time of opening the gate nobody got down from

the truck. As the truck was crossing the line the train came and collided. There was no time to jump out from the truck. At the time of collision all the 7 coolies were on the truck.

VI. TESTS AND OBSERVATIONS

6.1 By the time I reached the site of the accident, through communication was not restored and I was able to see at first hand the disposition of EMU, damaged truck, level crossing gate etc. A number of people from public, including police, gave oral evidence, the main gist of which was—

(a) Accident was due to non-provision of telephone in the level crossing gate.

(b) Accident was due to fog signalling not being done.

(c) The Gateman should not be made a scapegoat in the accident.

(d) The Commissioner should probe and arrive at the true cause of the accident. Shri J. Bhattacharjee, Dy. DRS (S&T) conducted tests on the signalling installations at Pundooah and Simlagarh the results of which are given elsewhere in this report.

VII. DISCUSSION

7.1 Time of the accident.

The time of the accident given by the Guard of the EMU as 7.54 hours is accepted.

7.2 The speed of the train at the time of the accident.

The speed of the train at the time of accident at 75 Km/h as stated by the Guard of the train is accepted. There is also corroborative evidence regarding the speed from Shri P.K. Dasgupta (witness No. 21) and the Section Controller (witness No. 25).

7.3 Cause of the accident.

There is clear evidence to show that M. 205 Up EMU Local was proceeding normally in the block section from Pundooah to Simlagarh on the Up line. There is clear evidence to show that a collision took place between the EMU train and truck No. WGA. 4362 at manned level crossing No. 17/C. After the accident the gates were found open to road traffic and the Gateman was seen to run away from the site of accident. It is therefore concluded that the accident was caused due to the level crossing gates having been opened by the Gateman in the face of an approaching train under conditions of poor visibility due to intense fog.

7.4 The untenable defence of the Gateman, Shri Ramlall.

Shri Ramlall, Gateman of the level crossing stated in the enquiry that some outside person

came and snatched the gate keys from his pocket after injuring him. The gate leaves were not opened by him but by the outsider in spite of his protest. I have carefully considered the claim of Shri Ramlall, Gateman in the context of the evidence available and find that the claim of the Gateman is false and untenable due to the following reasons :—

- (a) The Gateman admitted that there was no case of snatching of gate keys by outsiders in the past at this gate.
- (b) The Gateman admitted that he did not offer any resistance or create any commotion when the keys were snatched from him. He did not also solicit the cooperation and support of the outsiders in this connection.
- (c) Even after the accident the Gateman did not make efforts to identify and detain the person who snatched the keys and hand him over to the police if necessary with the help of outsiders, who would only have been too willing to do so.
- (d) The Gateman did not report the matter to the police at once and instead ran away like a guilty person.
- (e) To the ASM, Simlagarh the Gateman only stated "There is an accident in the level crossing. It is not my fault. They forced me". He did not tell the ASM that the keys were snatched by an outsider from him. The actual words used by the Gateman only implied that the gates were opened by him under pressure. In the Diary entry there is a mention of the accident but there is no mention regarding the use of force or snatching of keys. However since another witness Shri P.K. Dasgupta confirmed that the Gateman told the ASM "It is not my fault. I was forced". I am inclined to accept that the Gateman said so and nothing further.
- (f) The ASM, Simlagarh (witness No. 22) stated that the Gateman did not tell him on the date of the accident that he was beaten and keys were taken away forcibly from his pocket.
- (g) The ASM, Simlagarh stated that there was no indication that the Gateman Shri Ramlall was in pain due to the injury nor were the clothes of the Gateman in a torn condition, even though on the date of the CRS enquiry the Gateman was limping and showed signs of pain due to injury.
- (h) In spite of injury the Gateman did not go to any doctor for treatment for which he could not give any satisfactory explanation.

- (i) The Gateman gave different versions during the enquiry. Once he stated that 2 people from the truck came with an iron rod. Sometime later he stated that one man came from the truck but under cross-examination admitted that he did not see the man who snatched the keys, actually come from the truck. The Gateman only surmised that he was from the truck. The Gateman also admitted that the man who snatched the keys could not be out of the coolies of the truck.

- (j) He identified the photo of a person, who was a passenger in the EMU and who died subsequently in the accident, as the person who snatched the keys from him.

- (k) Shri Ramlall was asked the following question—

“Out of 7 coolies on the truck, 3 died because they were on the truck. The remaining 4 (2 male and 2 female) were admitted in the hospital, injured because they were on the truck. Therefore it is reasonable that none of the coolies on the truck snatched your keys. What have you got to say”? Shri Ramlall replied “Yes. It could not have been out of the coolies from the truck. It could have been from one of the outsiders.”

- (l) Shri Ramlall had earlier admitted that the Driver and the Helper, travelling in the truck were not the persons who snatched the keys from him. It is also on evidence that apart from the truck and coolies on the truck there were none on the north side waiting to cross. On the other side there were about 5 persons waiting to cross with bullocks. It is unbelievable that apart from the Driver and coolies of the truck one of the persons waiting to cross would have forcibly taken the key from the Gateman. If the Driver and the coolies of the truck did not forcibly open the gate, there was nobody else who would be interested in opening the gate forcibly. The story given by Shri Ramlall is purely concocted to evade responsibility for the accident.

7.5 Non-provision of telephones at the level crossing.

Instructions have been issued by the Railway Board from time to time that telephone should be provided at manned level crossings in Suburban section both within and outside station limits. In spite of these instructions no telephone was provided at level crossing No. 1/C where the present accident had occurred. The Railway also does not appear to have made any efforts to provide such a telephone. Information furnished by the Railway showed that no

‘C’ Class manned level crossing gate has been provided with telephones in Howrah Division during the years 1979, 1980 & 1981 even though there are still 55 ‘C’ Class level crossings without telephones in Howrah Division alone. While it cannot be stated that the non-provision of the telephone was a cause of this accident, the fact remains that provision of telephones could certainly have averted this accident. The Railway Board should also more effectively monitor the implementation of their own orders pertaining to safety by individual railways. There is no point in practising safety on paper; safety has to be practised in the field if passengers are to get any relief from accidents.

EXAMINATION OF RULES RELEVANT TO THE ACCIDENT.

7.6 Examination of GR 83.

- (a) GR 83 is reproduced below :—

“Precautions when view of signal is obstructed. If in consequence of a fog or storm or for any other reason, the view of signals is obstructed, the Driver shall take every possible precaution, especially when approaching a station or an Intermediate Block Post or Junction, so as to have the train well under control”.

- (b) GR 83 does not give the details of precautions to be taken when the view of the Driver is obstructed due to fog. The ACEE who represented the Railway Administration in the enquiry expressed the view that so long as a Driver could see the signals, the non-visibility of the line due to fog condition is of no consequence and that the Driver could run at full speed blindly without seeing anything else. A close scrutiny and literal interpretation of the GR shows that the view expressed by the ACEE is probably correct. Nevertheless under foggy conditions when the view of the line ahead is obstructed the Driver can as well meet any obstruction in a manned level crossing, unmanned level crossing, fallen tree on line, subsidence submergence etc. The safeguards like normal visibility for the road users is totally absent under fog condition. It therefore appears that the present GR as framed does not adequately cater for the safety of rail travellers under fog conditions. It is not merely sufficient for a Driver to see correctly the signals under such conditions and run at full speeds elsewhere between signals. It appears necessary to restrict the speed of the train under fog conditions to such an extent as to enable the Driver to stop short of any possible obstruction. Viewed in the above light, the GR 83 fails to cater for the safety of the travelling public and the non-provision of Subsidiary Rules there under only makes matter worse.

weather conditions in times of emergency which should be listed, then the prescribed procedure for the ensuring safety of the road traffic and rail traffic should be properly, clearly and specifically spelt out by means of a SR.

VIII. CONCLUSIONS.

8.1 On careful consideration of the factual, material and circumstantial evidence, I have reached the conclusion that the collision of M. 205 Up Howrah-Burdwan EMU Local with loaded Truck No. WGA 4362 at manned level crossing No. 17/C at Km. 64/3-5 on the Howrah-Burdwan Double line Electrified B.G. Section of Howrah Division of Eastern Railway at 7.54 hours on 25-2-1981 was caused due to the level crossing gate having been opened by the Gateman in the face of approaching train under conditions of poor visibility due to intense fog.

8.2 Responsibility.

(a) Shri Ramlall, Gateman of the level crossing is held responsible for the accident as he opened the gates in the face of approaching train under conditions of poor visibility due to intense fog. He violated GR 229. However the Gateman was labouring under the following two handicaps :

- (i) Non-provision of telephones contrary to Board's orders.
- (ii) Non-operation of fog signalling violating GR 71. If any of the above handicaps was not there, the accident would not have happened. However, I have carefully considered and find that the above two handicaps do not extenuate the Guilt of the Gateman in any manner. After all, there was only one truck loaded with bricks waiting to cross and there was no emergency; the Gateman should not have opened the gates till the fog cleared fully.

(b) Responsibility of the Truck Driver.

Having considered the evidence carefully, and the local conditions obtaining at the level crossing, I do not find the Driver of the truck responsible in any manner for the accident.

(c) Responsibility of the Motorman of the EMU.

After considering the evidence carefully, I am unable to subscribe to the view that the Motorman violated GR 83 resulting in the present accident. At best it can only be stated that the Motorman was imprudent for which he had dearly paid with his life.

(d) Responsibility of the Railway for not providing telephones.

Apropos para 7.5 the Railway Administration is responsible for non-provision of telephones at the manned level crossing in Suburban Section in accordance with the

Board's orders. While the non-provision of the telephone has not caused the accident it is evident that the provision of the telephone would certainly have averted the accident. The responsibility of the Railway Board is not discharged by issuing circulars on safety matters. It would appear necessary for the Railway Board to evolve a proper system of monitoring to ensure that their own orders on safety matters are complied with expeditiously within a reasonable period of time by the individual railways. There is no virtue in practising safety on paper; safety has to be practised in the field if the passengers are to get any respite from accidents.

(e) Responsibility of the Railway Administration for not doing fog signalling.

When fog signalling is not done by a series of stations from Adisaptagram to Saktigarh over a period of years from November, 1979 onwards, the matter cannot be termed as 'isolated failure' of any individual. The Railway Administration has clearly failed to ensure compliance of GR 71 over a period of years. If the Railway Administration pleaded ignorance of the factual position that GR 71 was violated by a number of stations from November, 1979 onwards, the Railway Administration cannot disown responsibility for the violation of GR 71 and indirect responsibility for the accident. On the other hand if the Railway Administration admits knowledge of the above fact, but expresses inability to set right the matters due to any reason whatsoever, then the Railway Administration becomes directly responsible for violation of GR 71 and indirectly responsible for the accident. In view of the above, as both the Divisional and Zonal Administration failed in this case, the Railway Board may probe further and fix individual responsibility.

(f) Responsibility of Railway for the death of the Motorman of EMU.

Apropos para 7.6 the Railway is held responsible for the present inadequate GR 83 and the total absence of SRs thereunder. Further according to the views expressed by ACEE who was deputed to attend the enquiry on behalf of the Administration, the Railway becomes responsible for the death of the Motorman in view of the inadequate and defective GR 83 in as much as the Motorman lost his life due to implicit compliance of GR 83 even though his action could not be termed as prudent.

8.3 Service record.

(a) Shri Ramlall, Gateman of level crossing No. 17/C was appointed on 16-9-67 as gangman and posted as Gateman on 30-9-1977. He was

censured on 22-1-1975 for theft of two-way keys. He was warned for unauthorised absence on 22-5-1980. He was given an advance increment on 16-7-1974 for working during period of Railway Strike.

(b) Shri S. R. Ghosh, Motorman of the ill-fated EMU born on 1-5-1930 was appointed on 22-5-1951. He was transferred to AC Traction on 10-1-1958. He was promoted as Shunter 'A' Grade on 1-4-1960, as Driver Grade 'C' on 19-11-1962 and as Motorman on 31-1-1966. He underwent EMU Refresher Course on 10-9-1980 and Refresher Course in Transportation Block Working on 12-10-1972. He passed his vision test on 25-5-1980 in category A1 without glass. He availed 20 hours 5 minutes rest before coming to duty at 5.45 hours on the date of the accident.

8.4 Relief arrangements and Medical attention.

I am satisfied with the relief arrangements and medical attention given.

IX. REMARKS AND RECOMMENDATIONS

9.1 Pertaining to Operating and Safety Departments

(a) Apropos para 7.6 GR 83 should be clarified and necessary SRs introduced for ensuring safety of travelling public in foggy weather.

(b) Fog signalling should be done conforming to GR 71 and the Railway should make necessary arrangements to avoid any lapse in this regard.

(c) When fog signalling is not done, suitable safeguard should be prescribed in the rules by a SR. At least a caution order should be issued to inform the Driver. There appears no virtue in making a safety rule, observing it in breach and not providing a safeguard in the event of the safety rule not being complied with.

(d) Apropos para 7.8 suitable SR should be introduced under GR 229 regarding the action to be taken by the Gateman under fog conditions. If it is the intention of the Railway that the gates cannot be opened during fog conditions they should specifically say so. On the other hand if the gates could be opened under conditions of emergency which should be listed, a proper procedure should be laid down for opening the gate to ensure safety of rail and road traffic.

(e) One SM and one ASM are overdue Refresher Course at Simlagarh.

(f) Officers did not inspect the Simlagarh station regularly. The station was last inspected on 24-3-1976 by DSO and 13-1-1981 by AOS(G). There was no record regarding competency certificate of SM, Shri M.R. Das of Pundooah.

(g) Two Class III staff and 2 Class IV staff of Pundooah station are overdue vision test.

(h) First aid box at Pundooah was found unsealed. There was no antiseptic cream in the first-aid box.

(i) Clock at SM's office at Pundooah was not working.

(j) Station Working Rules of level crossing Gates 17 & 18 at Simlagarh do not refer to GR 229, 231, 232, 233 & 234. There is no special instruction in working rule for working of level crossing during foggy weather. At level crossing No 19/A/3, substitute Gateman Sharma Prosad Gour was working. He was not conversant with the Working Rules of the level crossing. He stated that the rules are written in English and nobody explained him the rules, even though he had signed the Assurance Register. Working Rules may be issued in vernacular also.

9.2 Pertaining to signal Department.

(a) The Railway Administration may comply with the Board's orders to provide telephones at all manned level crossings in Suburban area on a time bound programme. The Railway Board should also more effectively monitor the compliance of their own orders on Safety matters by individual Railways and also ensure a programme of implementation year by year.

(b) At Simlagarh Block Section Limit Board is not existing on the Up side and on the Down side a non-standard type of board is provided.

(c) SM's slot for Advanced Starter is not provided at Pundooah.

(d) There is no automatic replacement of Main line Starters at Pundooah.

(e) Station signal diagram is not provided in ASM's office at Pundooah.

(f) 'C' Class level crossing No. 16 at Pundooah is manned by one gateman during day. Telephone communication is not existing even though SWR mentions, that the telephone is existing.

(g) Cables were last tested in January 1981 at Pundooah. The report shows 3 cores in 24 cores PILC cables between SM and West Cabin and 3 core in 18 cores PVC cable between Down Home and Down Distant are faulty. Suitable rectification should be done early.

(h) 71 Nos. shelf-type relays out of 77 Nos. at Pundooah and 32 Nos. shelf-type relays out of 36 Nos. at Simlagarh are long overdue for overhauling.

9.3 Pertaining to Engineering Department.

(a) There were no road signs on the approaches to the level crossing No. 17/C where the accident occurred.

(b) Lifting barriers erected 3 years ago on the level crossing may be commissioned early.

(c) Working Rules of the level crossing should be issued in vernacular, in Bengali and Hindi as the Gateman Shri Ramlall does not read English or Bengali.

Yours faithfully,
Sd.
(K. GANAPATI)
Commissioner of Railway Safety,
Eastern Circle, Calcutta.

ANNEXURE I

Marshalling order of the ill-fated M. 205 Up EMU Local.

Sl. No.	Coach No.	Type/Body	Year built	Date of last POH	Return date
1.	10134	ICF—Trailer coach	1967	29-2-1979	3/81
2.	10789	Do.	1967	29-2-1979	3/81
3.	10345	ICF—Motor coach	1967	29-2-1979	3/81
4.	11027	ICF—Trailer coach	1967	29-2-1979	3/81
5.	10142	Do.	1969	11-3-1980	3/82
6.	10381	ICF—Motor coach	1969	11-3-1980	3/82
7.	10716	ICF—Trailer coach	1969	11-3-1980	3/82
8.	11038	Do.	1969	11-3-1980	3/82

ANNEXURE II

Damages

(a) Coach No. 10134

Front portion of the superstructure of the driving cab at Burdwan end was completely smashed and after shearing off got pressed with the first passenger compartment. Centre pivot bolts of the front bogie sheared off. Front panel of driving cab caved in with extensive damage to look-out glass, head code glass, headlight and tail-light. Master Controller, Brake Controller and other control gears were damaged and displaced. Underframe fittings of pneumatic pipe line and cow-catcher were damaged. Brake beams of the leading derailed bogie were bent and damaged. Seat frames and seats of the first passenger compartment badly damaged.

(b) Permanent Way.

Two hundred numbers tie bars were bent and two numbers CST-9 plates broken.

Rules relevant to the Accident.

“GR 71. *Placing of detonators in thick or foggy weather*—In thick or foggy weather, whenever it is necessary to indicate to the Driver of an approaching train the locality of a signal, two detonators shall be placed on the line, by a railway servant appointed by the Station Master in this behalf, about ten yards (10 metres) apart and at least one hundred yards (90 metres) outside the signal or signals concerned.”

“GR 71A. (a) The Station Master comply with the provisions of Rule 71 at his discretion, but shall always do so when visibility conditions from any cause prevent him from seeing a prescribed visibility test object from a distance of not less than 200 yards (180 metres) or a lesser is expressly sanctioned by the Railway Board.

(b) This visibility test object may be—

(i) a post erected for the purpose and lighted at night; or

(ii) the arm by day and the light or the back light by night of a fixed semaphore signal specified by special instructions; or

(iii) the light of a fixed colourlight signal both by day and night specified by special instructions.”

“GR 83. *Precautions when view of signal is obstructed*—If consequence of a fog or storm or for any other reason, the view of signals is obstructed, the Driver shall take every possible precaution, especially when approaching a station or an Intermediate Block Post or Junction, so as to have the train well under control.”

“GR 229. *Road traffic*—(1) Subject to such special instructions in that behalf as are permitted by these rules, all gates at level crossings shall be kept constantly closed and securely fastened across the thoroughfare on both sides of the railway and shall only be opened when it is necessary and safe to open them for the passage of road traffic;

Provided always that any Railway Administration may from time to time issue special instructions for any particular level crossing or class of level crossing and may by such special instructions permit the gates at any level crossing or class of level crossing to be normally kept open to road traffic and may therein prescribe the conditions under which gates are to be kept closed against road traffic for the passage of a train or trains or for the purposes of any other railway operation; and all such special instructions so long as they be not cancelled or superseded shall for the purposes only of the railway issuing the same be deemed to be General Rules within the meaning and subject to the provision of Section 47 of the Act.

(2) Gatemen, where provided, shall, at all level crossings other than those controlled by gates designed to close across the line, be prepared whenever such level crossings be open to road traffic, to show a danger signal to any approaching train.

(3) Where no gateman is specially posted for night duty at a level crossing, the gates thereat (if any) shall subject to special instructions be locked at night except when opened for the passage of road traffic.

"SR. 229 —Special working rules shall be embodied in the Station Working Rules for level crossings situated within the station limits and for those level crossings which are situated outside station limits special rules shall be maintained by the Permanent Way Inspector. A copy of these rules shall be hung up at the gate lodge at manned level crossing".



VIEWS OF THE RAILWAY BOARD ON VARIOUS PARAS OF THE REPORT

Findings :

The findings of the Commissioner of Railway Safety with regard to the cause of the accident as brought out in para 8.1 of the report and responsibility of the Gateman, truck driver and the Motorman as indicated in para 8.2 are, prima facie, acceptable.

As regards responsibility of the Railway Administration for not providing telephone at the level crossing, not ensuring fog signalling and for inadequacy of GR 83 leading to the death of Motorman, this Ministry would wish to observe that although it is desirable that the subject level crossing should have been provided with a telephone connection in terms of Board's extant instructions, it has to be borne in mind that in an atmosphere of acute shortage of resources, provision of telephones and various other safety devices has to be made only in a phased manner, depending on the availability of funds and resources. Eastern Railway has already indicated that progressively safety devices at level crossing gates are being provided including suburban sections. In so far as, non-usage of fog signals is concerned, it has been advised by the Railway Administration that at all stations, which are treated as 'persistent fog areas', fog signals are used as a regular measure by utilising staff trained in fog signalling duties from the available sanctioned strength. However, at those stations which are in the non-persistent fog areas, efforts are made to depute engineering gangmen for fog signalling duty as and when required. On the day of the accident when dense foggy weather prevailed in the suburban section between Howrah and Sheoraphuli stations which is a persistent-fog area of Howrah Division—fog signals were used as usual at all stations in compliance with GR 71. The area between Adisaptagram and Saktigarh section is a non-persistent fog area, where fog appears only occasionally. During the occasional appearance of fog at Simalagarh station on 25-2-81, fog signals could not be used due to non-availability of the engineering Gangmen in time as they were by then busy in extensive track security patrolling to prevent thefts of permanent way fittings from track.

The point made out by the Commissioner of Railway Safety regarding provision of telephone or placement of fog signals was apparently to offer a means of advising the Gateman about the approaching train. The Gateman, according to his own admission (refer para 5.5 (a) of the report), was fully aware of the approaching train. In view of this position, provision of telephone or applications of the fog signals would not have made the course of events different, should the Gateman choose to disregard basic norms of safety. It has been conceded by the Commissioner of Railway Safety himself that non-provision of these facilities do not, in any way, mitigate the guilty of the Gateman. The responsibility for the accident, which was caused by the sheer negligence on the part of the Gateman, therefore, squarely rests with him. After all, in this case, there was only one truck waiting to cross. The truck was carrying only bricks and there was no emergency. The truck could have waited till the fog conditions cleared (refer para 7.8 of the report). Under the circumstances, this Ministry consider that non-provision of telephone at the gate or non-usage of fog signals at stations cannot be considered to have contributed to the causation of the accident.

As regards the responsibility of the Administration for causing the death of Motorman due to inadequate provisions of GR 83, this Ministry note that this view points is not acceptable even to Chief Commissioner of Railway Safety.

Remarks & Recommendations :

Para 9.1

(a) The matter has been given a careful consideration. While amendment of GR 83 is not considered necessary, the Railways have been advised vide Board's letter No. 81/Safety (A&R)/ 29/5 dated 22-3-82 to introduce a subsidiary rule envisaging that in thick, foggy or tempestuous weather impairing visibility or when the view of signals is obstructed, the Driver shall whistle continuously and take every possible precaution including reduction of speed as necessary so as to have the train well under control and be able to stop short of any obstruction. A copy of the instructions issued is enclosed.

(b) & (d) It is not possible to lay down any guidelines for opening a level crossing gate not provided with telephone in foggy or in tempestuous weather when the visibility is impaired. Existing General Rule 16.03 stipulating that gates shall only be opened when it is necessary and safe to open them for the passage of road traffic is considered sufficient.

(g) to (i) necessary action has been taken by the Railway to comply with these observations.

(j) Instructions have been issued to the Railway vide Board's circular letter No. 81/Safety (A&R)/29/6 dated 26-12-81 that the Gate Working Rules of the level crossings should be issued in vernacular. A copy of the instructions issued is enclosed.

Para 9.2

(a) This is being implemented progressively by the Railway, keeping in view the financial constraints.

(b) to (h) Necessary action has been taken/initiated to comply with these recommendations.

Para 9.3

(a) Road signs have been provided on the approaches of manned level crossings between Pundooah and Simlagarh stations. Instructions have been given by the Railway for similar action being taken at other level crossings also.

(b) This recommendation has been complied with by the Railway Administration.

(c) As already stated in this Ministry's remarks against para 9.1(j) above, instructions have been given to the Railways that Gate Working Rules should be made in regional languages.

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